

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.)	
W. A. DREW EDMONSON, in)	
his capacity as ATTORNEY)	
GENERAL OF THE STATE OF)	
OKLAHOMA and OKLAHOMA)	
SECRETARY OF THE)	
ENVIRONMENT C. MILES)	
TOLBERT, in his capacity as the)	
TRUSTEE FOR NATURAL)	
RESOURCES FOR THE STATE)	
OF OKLAHOMA)	
PLAINTIFF)	
)	
vs)	05-CV-0329-TCK-SAJ
)	
TYSON FOODS, INC, et al)	
DEFENDANTS)	
)	
and)	
)	
TYSON FOODS, INC, et al)	
THIRD PARTY PLAINTIFFS)	
)	
vs)	
)	
CITY OF TAHLEQUAH, et al)	
THIRD PARTY DEFENDANTS)	

ANSWER TO THIRD PARTY COMPLAINT

COMES NOW War Eagle Floats by and through it's attorney of record, Tim K. Baker & Associates and for its answer to the Third Party Complaint on file herein allege and state as follows:

1. That Third Party Defendant denies each and every allegation contained in the Third Party Complaint unless specifically admitted herein and demands strict proof thereof.
2. Third Party Defendant admits that this Court has subject matter

jurisdiction.

3. Third Party Defendant admits that this Court has personal jurisdiction over in this matter.
4. Third Party Defendant is without sufficient information to and makes no admission or denial with regard to the portions of the Third Party Complaint that do not specifically refer to this Third Party Defendant.
5. Third Party Defendants admits that it operates a float operation on the Illinois River in Cherokee County, Oklahoma, but denies that it applies fertilizers or other chemicals to property within the watershed and further denies that they have any septic or sewer systems which contribute to any pollution of the river and demands strict proof thereof.
6. Third Party Defendant denies that the Third Party Plaintiffs are entitled to recover any portion of a possible judgment against them from this Third Party Defendant.
7. Third Party Defendant alleges that they should be awarded a judgment against Third Party Plaintiffs for attorney fees and costs associated with defending this action.

WHEREFORE, premises considered, Third Party Defendant War Eagle Floats prays that the Third Party Plaintiffs take nothing by way of their Third Party Complaint, for fees and costs associated with this action and for such other and further relief as the Court deems just and proper .

Respectfully submitted,
TIM K. BAKER & ASSOCIATES

By: _____
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CERTIFICATE OF MAILING

The undersigned hereby certifies that on the _____ day of April, 2006 he mailed a true and correct copy of the above and foregoing to the following with postage thereon fully prepaid:

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